

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:04CR350
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
DEWAYNE A. GREEN,)	
)	
Defendant.)	

The Court has received the Revised Presentence Investigation Report (“PSR”) and the government’s objections thereto as reflected in the Addendum. The government did not file its objections as required. (Filing No. 67, ¶ 6.) The Defendant has adopted the PSR. See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

The government objects, arguing that the Defendant should receive an enhancement for obstruction of justice and should not receive credit for acceptance of responsibility. The objections are denied for the reasons stated by the probation officer in the Addendum to the PSR.

IT IS ORDERED:

1. The government’s Objections to the Presentence Investigation Report (Addendum) are denied;
2. The Court’s tentative findings are that the Presentence Investigation Report is correct in all respects;

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 23rd day of May, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge